

De U 3068
PAM/xxx

UNITED STATES DISTRICT COURT

District of
Minnesota

Noel Mills, M.D.,

COMPLAINT

Plaintiff,

V.

CASE
NUMBER:

Bradley J. Qualey, M.D.,

and

Lakes Area Urology, P.A.

TO:

Bradley J. Qualey, M.D., 1047
Miller Lane
Nisswa, Minnesota 56468

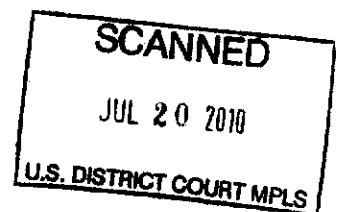
And

Lakes Area Urology, P.A.
1906 South Sixth Street, Suite 3,
Brainerd, Minnesota 56401

COME NOW the Plaintiff and for cause of action against the Defendants and allege
and state as follows:

I. JURISDICTION-PLAINTIFF'S RESIDENCE.

The Plaintiff Noel Mills is a resident and citizen of Pearl River County, State of



Mississippi, residing at 38 Tierra Lago Drive, Carriere, Mississippi 39426.

II. JURISDICTION-DEFENDANT QUALEY'S RESIDENCE.

The Defendant Bradley J. Qualey is a resident and citizen of Crow Wing County, State of Minnesota, residing at 1047 Miller Lane, Nisswa, Minnesota.

III. JURISDICTION-DEFENDANT LAKES AREA UROLOGY, P.A.'S RESIDENCE.

The Defendant Lakes Area Urology, P.A. is a resident of Crow Wing County, State of Minnesota with principle place of business and home office at 1903 South Sixth Street in Brainerd, Minnesota.

IV. AMOUNT IN CONTROVERSY

The amount in controversy in this case exceeds the sum specified in 28 USC § 332 so that this Court has jurisdiction.

V. PHYSICIAN/PATIENT RELATIONSHIP-DEFENDANT

At all times material hereto, the Defendant Qualey was a licensed medical doctor practicing in the specialty of urology under the name of Lakes Area Urology, P.A. with principal place of business at 1903 South Sixth Street in Brainerd, Minnesota. On or about July 24, 2006, Defendant Qualey treated the Plaintiff Noel Mills both in the aforementioned clinic and at St. Joseph's Medical Center in Brainerd, Minnesota

VI. MEDICAL CONDITION.

On or about July 24, 2006, in Brainerd, Minnesota, Plaintiff Noel Mills, M.D. came under the care and treatment of Defendant Qualey for treatment of bleeding in the bladder which manifested itself as blood in the urine. That treatment is described in detail in the Affidavit of David S. Wang, M.D. which is attached hereto as Exhibit A and incorporated herein by this reference.

VII. MEDICAL NEGLIGENCE/MALPRACTICE.

The Defendant Qualey, in treating the Plaintiff Noel Mills at the time and place stated above, was negligent in providing professional health care to the Plaintiff and that negligence was the direct cause of injuries to Plaintiff causing injury to Plaintiff's bladder neck, leaving him with chronic incontinence, urethral stenosis, recurrent bladder stones, urinary and sexual dysfunction and other related problems.

VIII. DEVIATION FROM STANDARD PRACTICE.

The Defendant Qualey did fail to exercise that degree of care and treatment that meets the accepted standard of care that a doctor in the same or similar type of practice in a similar community under similar circumstances. The details of that deviation are itemized in Exhibit A which is attached hereto and incorporated herein by this reference.

IX. LACK OF INFORMED CONSENT-DISCLOSURE OF PROCEDURE.

As a part of the treatment rendered to the Plaintiff by the Defendant, the Defendant did perform a dilation of the Plaintiff's bladder neck area with a 28 French without disclosing to the Plaintiff, and informing him, that said procedure was to be done and without first obtaining the Plaintiff's consent.

X. LACK OF INFORMED CONSENT-RISKS OF THE PROCEDURE.

The Defendant, as a part of the above-stated procedures, did fail to disclose to Plaintiff the risks of the treatment described in paragraph VIII above that were, or should have been, known to the Defendant. Further, that Plaintiff would not have consented to said procedure.

XI. LACK OF INFORMED CONSENT-ALTERNATIVE TREATMENT.

The Defendant, as a part of the above-stated procedures, did fail to disclose to Plaintiff, and offer to Plaintiff alternative treatment options that Plaintiff would have elected. Further, that Plaintiff would have chosen the alternative treatment options.

XII. CAUSATION

The medical negligence stated in Paragraphs VII, VIII, XI, and X above all were the direct and proximate cause of the Plaintiff's bladder neck injury and the subsequent incontinence, recurrent bladder stones, urethral stenosis, urinary and sexual dysfunction and related problems.

XIII. DAMAGES PAST AND FUTURE

As a direct and proximate result of the negligence and fault of the Defendant herein, the Plaintiff has suffered permanent injury and dysfunction so that he has in the past and will in the future suffer bodily injury, dysfunction and disability, pain and emotional suffering and distress, has and will incur the expenses of doctors, hospitals and other health care providers, and has suffered the loss of earnings and earning capacity.

XIV. LIABILITY OF PROFESSIONAL ASSOCIATION

The Defendant Qualey was, at all times material hereto, the employee or agent of the Lakes Area Urology, P.A. thereby making the Defendant Lakes Area Urology, P.A. legally liable for the acts of the Defendant Qualey as stated herein.

XV. COMPLIANCE WITH MINN. STAT. §145.682.

Subject to the qualification stated in Paragraph 3 above, Plaintiffs have complied with the requirements of Minn. Stat. § 145.682 as evidenced by the Affidavit of Douglas E. Schmidt which is attached hereto.

WHEREFORE, the Plaintiffs pray for judgment against Defendant(s) in an amount in excess of \$75,000 Dollars, together with interest, costs (both post-judgment and pre-judgment), and disbursements and attorneys fees as allowed by law.

Dated:

7/20/10

**DOUGLAS SCHMIDT
& ASSOCIATES, P.A.**



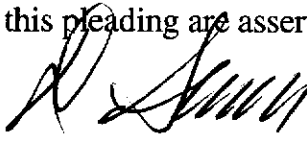
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**ACKNOWLEDGMENT REQUIRED BY
MINN. STAT. SEC. 549.21, SUBD. 1**

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. Sec. 549.21, Subd. 2, to the party against whom the allegations in this pleading are asserted.

Dated:

7/20/10



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